IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 5068 of 2007(C)

PETITIONER:

M. MATHEW,
LECTURER SELECTION GRADE, DEPARTMENT OF MALAYALAM,
ST.ALOSIOUS COLLEGE, EDATHUA, ALAPPUZHA.

BY ADV. SRI.B.MOHANLAL
SMT.MEREENA JOSEPH

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOTTAYAM.

3. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, PRIYADARSHINI HILLS,
KOTTAYAM.

R1 & R2 BY GOVT. PLEADER SMT. M.R. SREELATHA.
R3 BY SC SRI. V.A. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 5068 OF 2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE ORDER NO.A.C.BV. (1)/630/2003 DATED 24.6.2003 ISSUED BY THE MAHATMA GANDHI UNIVERSITY.

EXT. P2 : TRUE COPY OF THE ORDER NO.AC.B.V.(1)/905/2006 DATED 8.9.2006 ISSUED BY THE MAHATMA GANDHI UNIVERSITY.

EXT. P3 : THE TRUE COPY OF THE ORDER NO.E2/159/2006 DATED 28.9.06 ISSUED BY THE 2ND RESPONDENT.

EXT. P4 : TRUE COPY OF THE G.O.(MS) NO.209/96/G.EDN. DATED 24.12.96.

EXT. P5 : TRUE COPY OF THE ORDER NO.AC.B.V.1-798-05 DATED 19.12.05 ISSUED BY THE 3RD RESPONDENT.

EXT. P6 : TRUE COPYOF THE COMMUNICATION DATED 15.11.2006 ISSUED BY THE PRINCIPAL ST. ALOSIOUS COLLEGE, EDATHUA.

K.M.JOSEPH, J.

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WP.(C) No.5068 OF 2007

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Dated this the 30th day of March, 2007

JUDGMENT

Petitioner was appointed as Lecturer. Case of the petitioner is that though the University has granted approval vide Ext.P2 relating to Selection Grade with effect from 11.1.2002, the amount is not being paid.

2. Heard Government Pleader also.

3. Petitioner contends that the matter is covered in his favour by the decisions of this court reported in **Cherian Mathew v. Principal, S.B. College, Changanassery** (1998(2) K.L.T. 144) and **O. Jayaprasad v. State of Kerala** (2003(2) K.L.J. 189).

The writ petition is disposed of as follows:

The second respondent will file his objections to Ext.P2 before the third respondent within a period of one month from the date of receipt of a copy of this judgment. The third respondent will meticulously consider each and every objection and pass a reasoned order within a period of one month from the date of receipt of the

objection, copy of which shall be communicated to the petitioner and the second respondent. If the third respondent reiterates Ext.P2, the matter will be governed by the decisions in **Cherian Mathew's Case and O.Jayaprasad's Case** and the amounts due to be paid to the petitioner shall be paid without any delay.

According to the petitioner approval is not granted from 12.9.1990 to 10.12.1990 and from 11.12.1990 to 26.3.1991. Petitioner has preferred Ext.P6 before the third respondent. A decision will be taken on Ext.P6 by respondent No.3 in accordance with law within a period of two months from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.